

Divorce Part I
SEPARATE DIVORCE WITH MINOR CHILDREN
MILWAUKEE COUNTY

FILING FEES (\$0, with an approved fee waiver)

- **\$198.00**

SERVICE FEES (\$0, with an approved fee waiver)

- **\$60.00 - for personal service by Milwaukee County Sheriff**

FORMS AND COPIES NEEDED

- Petition With Minor Children (*6 copies*)
- Summons With Minor Children (*6 copies*)
- Confidential Petition Addendum (0 copies)
- Are there disagreements on automobiles, bills, housing, etc? Do you need a court order to help resolve that?
 - If yes, complete the Order to Show Cause for Temporary Relief and the Affidavit for Temporary Relief with Minor Children (*6 copies*)
 - *Do not bring children to this hearing!* Children are not allowed in the hearing room, nor to be left unattended in the waiting area. Your hearing *may be adjourned* if children are present!
- Petition for Waiver of Fees, if applicable

HOW TO REQUEST A FEE WAIVER

1. Fill out the Petition for Waiver of Fees.
 - Sign in front of a notary public (available in Room 104).
 - Bring last 30 days' pay stub(s) or current month's proof of public benefits.
2. **Room G-8-1 – Milwaukee County Law Library** – will assist in printing proof of FoodShare (Quest card does not qualify as proof).
3. **Room 609 – Chief Judge's Office** will approve or deny the Fee Waiver.

HOW TO FILE THE MOTION, SCHEDULE A COURT DATE (if needed), & SERVE PAPERS (required)

1. **Room 104 – Clerk of Courts Office**
 - File documents with cashier
 - Pay filing fee or present approved fee waiver
2. **Room 707 – Family Court Commissioner**
 - Clerk will give you a temporary hearing court date (if requested)
 - You will receive an **Administrative Dismissal Date**. This is not a court date—it is a deadline. Case will be dismissed if *all* remaining paperwork is not completed by this date.
3. **Room 101 – Child Support Services**
 - If you or your spouse have ever received public benefits, deliver a copy of the Summons and Petition (and request for a temporary order, if applicable) to Child Support Services
4. The other party must be personally served with the papers within 90 days of filing or divorce may be dismissed.
 - **Room 102, Safety Building– Sheriff's Department:** if the other party lives in Milwaukee County or, private process server
 - If the other party does not live in Milwaukee County, contact the Sheriff's Department in that county or a private process server to arrange service

HOW TO COMPLETE REMAINING PAPERWORK

- Schedule your **Parent Education Class**
- Contact Milwaukee Justice Center by phone (278-2912) to set up an appointment for your "Part 2" paperwork. Help with Part 2 of divorce is **only** available by scheduled appointment; no walk-in appointments available.
- Bring proof of service and complete Financial Disclosure to the Part 2 appointment.



This document was created by the
MILWAUKEE JUSTICE CENTER
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WHAT PAPERWORK WILL GET US DIVORCED/SEPARATED? FILING SEPARATE WITH CHILDREN

PART 1: (What we helped you with today)

- Summons with Minor Children
- Petition with Minor Children
- Confidential Petition Addendum
- Order to Show Cause and Affidavit for Temporary Order *(if needed)*

YOU HAVE **90 DAYS** TO SUCCESSFULLY SERVE YOUR SPOUSE

- Your spouse must be *successfully, personally* served within 90 days of your initial divorce filing.
- This means a third party, usually a sheriff's deputy, must physically deliver the Summons, Petition, Dismissal Date, and Temporary Order Hearing (if needed). You cannot serve your spouse by mail.
- If service attempts are unsuccessful, you must serve by publishing in the newspaper. Come to the MJC as soon as possible for help with this. The publication must also happen within the same 90-day deadline.

PART 2: (What you still need in order to get a court date)

IF YOU AND YOUR SPOUSE **AGREE ON EVERYTHING**, COMPLETE THESE FORMS

- Proof of Service/Admission of Service of Summons, Petition, and Dismissal Date on the respondent
- Signed Financial Disclosure Statement, *(one for each party)*
- Marital Settlement Agreement with Minor Children *(must be filled out completely and signed by both parties)*
- Proposed Parenting Plan *(only recommended, should be filled out completely and signed by both parties)*
- Parent Education Class completion certificate *(one for each party)*
- Signed Interim Financial Summary *(only if child support or spousal maintenance is to be paid)*
- Order to Appear
- Signed and notarized Affidavit of Non-Military Service
- Certificate of Divorce *(aka Vital Stats Form)*
- Findings of Fact, Conclusions of Law and Judgment with Minor Children *(must be filled out completely and signed by both parties)*

IF YOU AND YOUR SPOUSE **DISAGREE ON ANYTHING**, COMPLETE THESE FORMS

- Proof of Service/Admission of Service of Summons, Petition, and Dismissal Date on the respondent
- Signed Request for Pretrial
- Signed Financial Disclosure Statement, *(only for party filing this paperwork)*
- Proposed Marital Settlement Agreement with Minor Children *(must be filled out completely and signed by party filing this paperwork)*
- Proposed Parenting Plan *(required, must be filled out completely and signed by party filing this paperwork)*
- Parent Education Class completion certificate *(only one for party filing this paperwork)*
- Signed Interim Financial Summary *(only if child support or spousal maintenance is to be paid)*
- Order for Pretrial/Order to Appear
- Signed and notarized Affidavit of Non-Military Service
- Certificate of Divorce *(aka Vital Stats Form)*
- Findings of Fact, Conclusions of Law and Judgment with Minor Children *(must be filled out completely and signed by party filing this paperwork)*